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September 25, 2002

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Ron Jones, Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

*Re: In the Matter of Petition Of Tennessee UNE-P Coalition To
Open Contested Case Proceeding To Declare Unbundled
Switching An Unrestricted Unbundled Network Element*

Docket No. 02-00207

Dear Director Jones:

I am writing you in your capacity as Hearing Officer in the above-captioned proceeding. XO Tennessee, Inc. ("XO") is not a party to the proceeding but, along with three other non-party CLECs, has received data requests from the TRA staff in order to collect information for the use of the TRA and the parties in this proceeding. That information is due today.

As you know, XO filed yesterday a motion seeking additional time to respond to the Staff's request and proposing that the agency take additional measures to insure that the confidentiality of the data will be protected.

XO has contacted or attempted to contact the other three CLECs who also received data requests from the staff. Based on what XO has learned to date, it does not appear likely that any of the three is going to be able to respond to the Staff's request by today's deadline. If, however, any such information is submitted, XO asks that the TRA not release it to anyone outside the agency until the Hearing Officer has had the opportunity to rule on XO's Motion. As XO proposed in the Motion, the confidentiality of the data can best be maintained by releasing it in aggregate form. That proposal would be moot if, before the Hearing Officer has had time to consider XO's Motion, the other non-party CLECs file data in response to the Staff's request and that data, even with the carrier's name redacted, is released to the parties. Therefore, XO asks that the information be withheld by the agency pending a ruling on XO's motion.

Furthermore, based on conversations with the other, non-party CLECs, we share a concern over the small number of CLECs who received the Staff data requests. Of the ninety-three CLECs listed on the TRA's web site, seven are parties to this proceeding, yet the data request were issued to only four of the remaining eighty-six carriers. While many of those are not active in Tennessee at this time, there are certainly more than four which provide, in whole or in part, facilities-based service in Tennessee. Both as a matter of fairness and to help protect the confidentiality of CLEC responses, XO believes that the Staff should issue data requests to all active CLECs in Tennessee. Once the Staff has received that information, then (as in the case of carrier wireline reports) the aggregate data can be made available to the parties under the

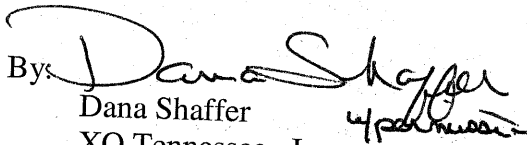
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protection of the protective order. Copies of this letter are being sent to all parties and to the non-party CLECs who received the Staff data requests.

Thank-you in advance for your consideration of XO's concerns regarding these matters.

Very truly yours,

By: 
Dana Shaffer
XO Tennessee, Inc.
105 Molloy St.
Nashville, TN 37201
(615) 777-7700

c: All parties